

BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA

Respondent.

3. On October 11, 2016, Ontitle notified the Commissioner that Baker, a former escrow officer, had misapplied \$4,321.68 in escrow funds. Baker had issued and paid funds to unrelated parties in at least eight escrow transactions.

4. On October 13, 2016, the Commissioner commenced a special examination of the escrow files handled by Baker, which revealed that Baker disbursed escrow funds from at least eight escrow files to other unrelated escrows and parties without any written authorization. In addition, Baker comingled California escrow funds with transactions from other states.

5. The unauthorized disbursements of escrow funds, in the amount of \$4,321.68, were made from 2014 to 2016, during Baker's employment with Ontitle. Below is a table of the unauthorized disbursements of escrow funds:

<u>Escrow #</u>	<u>Amount</u>	<u>Date(s) Cleared</u>	<u>Wire/Ck. Issued to</u>
14-01396	\$1,267.50	02/06/2015	14AZ-00017
		03/13/2015	15MD-00005
		04/13/2015	15WA-00354
15-02032	\$450.00	05/11/2015	15-02056
		06/02/2015	14-01600
		12/29/2015	15-02955
14-01454	\$1,051.00	01/11/2016	15-03073
		03/02/2016	15AZ-00078
14-01712	\$1,090.60	06/03/2015	15-01933
		06/22/2015	15-01892
		06/22/2015	15-02132
		06/22/2015	15-00320
14-01366	\$17.58	03/02/2016	16AZ-00136
2015MD-00015	\$25.00	02/05/2016	15-03093
2013-00297	\$375.00	04/29/2014	14-00744
14AZ-00025	<u>\$45.00</u>	12/18/2015	15-02871
Total	\$4,321.68		

6. Under Financial Code section 17414, subdivision (a)(1), and California Code of Regulations, title 10, sections 1738 and 1738.2, escrow funds shall not be disbursed unless authorized by the principal(s) to the escrow transaction. Baker disbursed escrow funds from closed

escrows with a balance to unrelated escrows and parties without proper authorization. Below are some examples of the unauthorized disbursements:

(a) Escrow #14-01396

On November 14, 2014, escrow number 14-01396 received a wire in the amount of \$1,966.01 to be credited to the borrowers. In February, March and April 2015, Baker made three unauthorized disbursements in the total amount of \$1,267.50 to unrelated escrows, escrow numbers 14AZ-00017, 15MD-00005, and 15WA-00354, without any written authorization from the principals of escrow number 14-01396 authorizing the disbursements.

(b) Escrow #15-02032

On March 12, 2015, escrow number 15-02032 received a wire in the amount of \$1,906.67 to be credited to the borrowers. In May and December 2015, Baker made three unauthorized disbursements in the total amount of \$450.00 to three unrelated escrows, escrow numbers 15-02056, 14-01600, and 15-02955, without any written authorization from the principals of escrow number 15-02032 authorizing the disbursements.

(c) Escrow #14-01454

On November 26, 2014, escrow number 14-01454 received a wire in the amount of \$2,297.90 to be credited to the borrowers. In January and March 2016, Baker made two unauthorized disbursements in the total amount of \$1,051.00 to unrelated escrows, escrow numbers 15-03073 and 15AZ-00078, without any written authorization from the principals of escrow number 14-01454 authorizing the disbursements.

(d) Escrow #14-01712

On January 27, 2015, escrow number 14-01712 received a wire in the amount of \$1,839.41 to be credited to the borrowers. In June 2015, Baker made four unauthorized disbursements in the total amount of \$1,090.60 to unrelated escrows, escrow numbers 15-01933, 15-01892, 15-02132 and 15-00320, without any written authorization from the principals of escrow number 14-01712 authorizing the disbursements.

(e) Escrow #14-01366

On October 31, 2014, escrow number 14-01366 received a wire in the amount of \$11,606.95

to be credited to the borrowers. In March 2016, Baker made an unauthorized disbursement in the total amount of \$17.58 to an unrelated escrow, number 16AZ-00136, without any written authorization from the principals of escrow number 14-01366 authorizing the disbursement.

(f) Escrow #2015MD-00015

On February 5, 2016, Baker made an unauthorized disbursement in the total amount of \$25.00 to an unrelated escrow, escrow number 15-03093, without any written authorization from the principals of escrow number 2015MD-00015 authorizing the disbursement.

(g) Escrow #2013-00297

In April 2014, Baker made an unauthorized disbursement in the total amount of \$375.00 to an unrelated escrow, escrow number 14-00744, without any written authorization from the principals of escrow number 2013-00297 authorizing the disbursement.

(h) Escrow #14AZ-00025

In December 2015, Baker made an unauthorized disbursement in the total amount of \$45.00 to an unrelated escrow, escrow number 15-02871, without any written authorization from the principals of escrow number 14AZ-00025 authorizing the disbursement.

7. On July 25, 2017, the Commissioner issued a Notice of Intention to bar Baker from any position of employment, management or control of any escrow agent, Accusation and accompanying documents against Baker. Baker was personally served with those documents on August 1, 2017.

8. The Commissioner has not received a request for a hearing and the statutory time to request a hearing has expired.

9. The above-described violations constitute grounds under Financial Code section 17423 to bar a person from any position of employment, management or control of any escrow agent.

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1 THEREFORE, it is hereby ordered that Dorian P. Baker, aka Dorian Young, is barred from
2 any position of employment, management or control of any escrow agent. This Order is effective as
3 of the date hereof.

4 Dated: August 29, 2017
5 Sacramento, California

JAN LYNN OWEN
Commissioner of Business Oversight

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7 By _____
8 Mary Ann Smith
9 Deputy Commissioner
10 Enforcement Division
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